

MESSAGE NO: 3309203

MESSAGE DATE: 11/05/2003

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: SCO-Scope

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-506

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 10/29/2003 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION AND ANTIDUMPING SCOPE RULING ON PORCELAIN- ON-STEEL
COOKING WARE FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-506) IMPORTED BY
TARGET

MESSAGE NO: 3309203

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CASES: A - 570 - 506

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PERIOD COVERED: 10 29 2003 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION AND ANTIDUMPING SCOPE RULING ON PORCELAIN-
ON-STEEL COOKING WARE FROM THE PEOPLE'S REPUBLIC OF
CHINA (A-570-506) IMPORTED BY TARGET

1. ON 10/29/2003, IN RESPONSE TO A REQUEST BY TARGET CORPORATION
(TARGET), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING
THAT THE ENAMEL-CLAD BEVERAGE HOLDER AND DISPENSER IMPORTED BY
TARGET IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY
ORDER/FINDING COVERING PORCELAIN-ON-STEEL COOKING WARE FROM THE
PEOPLE'S REPUBLIC OF CHINA FROM THE PEOPLE'S REPUBLIC OF CHINA
(A-570-506).

2. THE DEPARTMENT OF COMMERCE DETERMINED THAT TARGET'S ENAMEL-CLAD BEVERAGE HOLDER AND DISPENSER IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON PORCELAIN-ON-STEEL COOKING WARE FROM THE PEOPLE'S REPUBLIC OF CHINA BECAUSE IT IS A PRODUCT THAT IS DESIGNED FOR THE APPLICATION OF HOLDING AND DISPENSING BEVERAGES RATHER THAN FOR COOKING. AS SUCH, IT IS SIMILAR TO THE KITCHENWARE ARTICLES WHICH THE INTERNATIONAL TRADE COMMISSION (ITC) SPECIFICALLY EXCLUDED FROM THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON THE BASIS THAT THE KITCHENWARE ARTICLES WERE DESIGNED ONLY FOR THE HANDLING AND PROCESSING OF FOOD. THEREFORE, TARGET'S ENAMEL-CLAD BEVERAGE HOLDER AND DISPENSER IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON PORCELAIN-ON-STEEL COOKING WARE FROM THE PEOPLE'S REPUBLIC OF CHINA.

THE BEVERAGE HOLDER AND DISPENSER WHICH IS EXCLUDED FROM THE SCOPE OF THE ANTIDUMPING DUTY ORDER IS SPECIFICALLY DEFINED AS FOLLOWS: THE BEVERAGE HOLDER AND DISPENSER IS A SINGLE CONTAINER, COMPOSED OF STAINLESS STEEL AND CLAD IN ENAMEL WITH A PORCELAIN FINISH, CIRCULAR IN SHAPE, WEIGHING APPROXIMATELY FIVE POUNDS, AND IS APPROXIMATELY 11 INCHES HIGH AND 12 INCHES IN DIAMETER. THE BEVERAGE HOLDER AND DISPENSER HAS A REMOVABLE PORCELAIN-ON-STEEL TOP COVER (WITH HANDLE LOCATED AT CENTER OF TOP COVER) THAT FITS OVER THE OPENING BUT IS NOT ATTACHED BY STRAPS OR OTHER MEANS, IN ADDITION TO TWO PERMANENT HANDLES LOCATED NEAR THE TOP OF THE DISPENSER ON DIRECTLY OPPOSITE SIDES. THE BEVERAGE HOLDER AND DISPENSER ALSO HAS A STAINLESS STEEL SPIGOT LOCATED AT THE SIDE OF THE CONTAINER ADJACENT TO ITS BOTTOM, A PLASTIC HANDLE TURNING MECHANISM, AND A RUBBER GASKET TO PROVIDE A SEAL AGAINST LEAKAGE. THE SPIGOT ASSEMBLY IS ATTACHED TO THE ARTICLE BY AN INTERNAL METAL WASHER. THE BEVERAGE HOLDER AND DISPENSER IS NOT SUITABLE FOR USE IN COOKING AND THE BOTTOM OF THE BEVERAGE HOLDER AND DISPENSER IS PERMANENTLY STAMPED WITH BLACK MARKINGS THAT STATE THAT THE BEVERAGE HOLDER AND DISPENSER IS "NOT MICROWAVEABLE SAFE, NOT CONVECTION OVEN SAFE, FOR SERVING ONLY, NOT FIT FOR USE ON STOVE TOP, INTENDED FOR USE AS A BEVERAGE DISPENSER, AND MADE IN CHINA." THIS SCOPE RULING IS LIMITED TO THE MODEL THAT WAS THE SUBJECT OF THIS SCOPE INQUIRY AND ANY DEVIATION FROM THE PRODUCT CHARACTERISTICS OUTLINED ABOVE WILL

REQUIRE THE DEPARTMENT TO REVISIT ITS DECISION THAT TARGET'S BEVERAGE HOLDER AND DISPENSER IS NOT INCLUDED IN THE SCOPE OF THE ANTIDUMPING ORDER.

3. EFFECTIVE 10/29/2003, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE ENAMEL-CLAD BEVERAGE HOLDER AND DISPENSER LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE ENAMEL-CLAD BEVERAGE HOLDER AND DISPENSER LISTED ABOVE.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS AND BORDER PROTECTION (CBP) PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF PORCELAIN-ON-STEEL COOKING WARE COVERED BY THE ORDER SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PORCELAIN-ON-STEEL COOKING WARE

FROM THE PEOPLE'S REPUBLIC OF CHINA.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THE IMPORTING PUBLIC, OR INTERESTED PARTIES PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G2O6:GM).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party